

**Bail Slip**

R.Manoharan, S/o.Ramasamy, age 51 years, is released on bail vide Court order dated 11.10.2013 in MP(MD).No.1 of 2013 in CrI.A.(MD).No.305/2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI A(MD)No.305 of 2013

R.Manoharan

... Appellant /Sole Accused

Vs.

The State,
rep.by the Inspector of Police,
Jaihindpuram Police Station
Madurai District
(in Crime No.596 of 2007)

... Respondent/Complainant

Prayer : This Criminal Appeal is filed under Section 374 of Criminal Procedure Code, to set aside the order of conviction passed by the learned Sessions Judge/Mahila Court, Madurai in S.C No.52 of 2008 dated 20.09.2013 and to acquit the appellant/accused from the offence punishable under Sections 341 and 324 IPC.

For Appellant : No appearance

For Respondent : Mr.A.Robinson,
Government Advocate (crl.side)

JUDGMENT

The appellant was convicted for the offence under Sections 324 and 341 IPC to undergo three years rigorous imprisonment and one month rigorous simple imprisonment respectively vide judgment dated 20.09.2013 in S.C No.52 of 2008 on the file of the Sessions Judge/Mahila Court, Mahalir Neethimandram, Madurai. Questioning the same, this appeal came to be filed.

2.When the matter was taken up for hearing, there is no appearance on behalf of the appellant. But then, the learned Government Advocate (crl.side) appearing for the prosecution fairly brought up to my notice that the victim is none other than the wife of the appellant. It appears that due to some domestic quarrel, the appellant had stabbed the victim with scissor. A part of the



scissor was struck in the body of the deceased and the same had to be removed. In this regard, Crime No.596 of 2007 was registered on the file of the Jaihindpuram Police Station, Madurai. But, when the case was taken up for trial, the victim filed an affidavit before the court below that she does not want her husband to be punished. It is seen that the parties had resolved differences between themselves and they are happily living together. But then, the fact remains that the resolution of the disputes took place only in the year 2011. The trial had commenced earlier and the victim/wife of the appellant narrated what had actually happened. Since the offence in question with which the appellant was charged namely 324 IPC is not a compoundable offence, the trial judge decided to go by the evidence on record and ignored the affidavit filed by the wife of the appellant.

3. In these circumstances, interest of justice will be served by sustaining the conviction imposed by the court below but by setting aside the sentence of imprisonment. In other words, the conviction imposed on the appellant is sustained. Sentence of imprisonment alone is set aside. This Criminal Appeal is partly allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Jaihindpuram Police Station.

2. The Sessions Judge/Mahila Court, Madurai.

Copy to:

The Section Officer, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court, Madurai

Crl A(MD) No.305 of 2013
09.08.2019

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